

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

ALI A. MOHAMMAD,)
Petitioner,)
v.) No. 3:06-0352
RICKY BELL, WARDEN,) JUDGE ECHOLS
Respondent.)

ORDER

Pending before the Court are the Report and Recommendation ("R&R") entered by the United States Magistrate Judge on November 2, 2006, (Docket Entry No. 16), and Petitioner's Petition Under 28 U.S.C. § 2254 For Writ Of Habeas Corpus By A Person In State Custody (Docket Entry No. 1). Petitioner has not filed any objections to the Magistrate Judge's R&R.¹

In reviewing an R&R, the Court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. 28 U.S.C. § 636(b)(1); Fed.R.Civ.P. 72(b). Having carefully reviewed the entire record in this case, the Court finds that no error of fact or law appears in the R&R. Accordingly,

¹The Clerk twice sent a copy of the R&R to Petitioner by certified mail using two different addresses. (Docket Entry No. 17.) The mail has been returned as undeliverable. (Docket Entry Nos. 18-19.) Petitioner has not kept the Court apprized of his current address.

(1) the R&R of the Magistrate Judge (Docket Entry No. 16) is hereby ACCEPTED.

(2) The Petition Under 28 U.S.C. § 2254 For Writ Of Habeas Corpus By A Person In State Custody (Docket Entry No. 1) is hereby DENIED.

(3) This case is hereby DISMISSED WITH PREJUDICE.

(4) Entry of this Order on the docket shall constitute entry of final Judgment in accordance with Federal Rules of Civil Procedure 58 and 79(a).

(5) Because Petitioner cannot demonstrate that reasonable jurists would find the Court's assessment of the constitutional claims debatable or wrong, or that jurists of reason would find it debatable whether the Court was correct in its procedural default rulings, a Certificate of Appealability will not issue. See Slack v. McDaniel, 529 U.S. 473, 483-84 (2000).

IT IS SO ORDERED.



ROBERT L. ECHOLS
UNITED STATES DISTRICT JUDGE